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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AEVOE CORP., a California corporation,
Plaintiff,

vs.

AE TECH CO., LTD., a Taiwan corporation,
Defendant.

Case No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

INTRODUCTION

This action for patent infringement arises from defendant's infringement of plaintiff Aevoe Corp.'s ("Aevoe" or "Plaintiff") U.S. Patent No. 8,044,942 ("the '942 Patent") relating to a touch screen protector for a hand-held electronic device. Aevoe seeks damages and injunctive relief.

JURISDICTION AND VENUE

1
2 1. The Court has subject matter jurisdiction over this action for infringement of a
3 U.S. Patent under the provisions of 28 U.S.C. §§ 1331 and 1338(a).

4 2. Defendant AE Tech Co., Ltd. ("AE Tech" or "Defendant") has transacted
5 business in this judicial district by importing and offering to sell products as described and
6 claimed in the '942 Patent and/or by conducting other business in this judicial district sufficient
7 to render it subject to jurisdiction in this district.

8 3. Venue is proper under 28 U.S.C. § 1400(b) because Defendant is a corporation
9 subject to personal jurisdiction in this District and is therefore deemed to reside in this District
10 under 28 U.S.C. § 1391(c). Venue is proper in this District under 28 U.S.C. § 1391(b) because
11 a substantial portion of the events giving rise to the claims for relief stated in this Complaint
12 occurred in this District. Venue is proper under 28 U.S.C. § 1391(d) because AE Tech is an
13 alien and may be sued in any district.

14 **PARTIES**

15 4. Aevoie is a California corporation with its principal place of business in
16 Sunnyvale, California.

17 5. Aevoie believes, and therefore alleges, that AE Tech is a Taiwan corporation
18 with a business address of 5F No.136, Sec.1, Neihu Rd., Neihu District, Taipei, Taiwan. AE
19 Tech conducts substantial business within this district, including without limitation by
20 importing, marketing, and advertising infringing products in this District, including but not
21 limited to at the 2012 Consumer Electronics Show in Las Vegas ("CES"), as described below.

22 **THE '942 PATENT**

23 6. The United States Patent Office issued the '942 Patent, entitled "Touch Screen
24 Protector," to Michael Leonhard, Jonathan Lin, and Steven Huang (the "Inventors") on October
25 25, 2011. **Exhibit A** is a copy of the '942 Patent.

26 7. The Inventors assigned the '942 Patent to Aevoie.

27 8. Aevoie markets and sells products embodying the '942 Patent throughout the
28 United States.

9. Defendant AE Tech manufactures, imports, advertises, sells, and offers for sale products, including a touch-screen protector product called APlus Shield Anti-Glare, that infringe the '942 Patent.

10. On November 7, 2011, Aevoe's counsel notified AE Tech by letter (the "Aevoe Letter") that the APlus Shield Anti-Glare product likely infringes the '942 Patent. **Exhibit B** is a copy of the Aevoe Letter.

11. On December 7, 2011, Aevoe filed a patent infringement lawsuit against AE Tech in the United States District Court for the Northern District of California, No. 11-CV-06164, for infringing the '942 Patent.

12. On December 13, 2011, Aevoe sent a request to AE Tech to waive service of process. As of the filing of this Complaint, AE Tech has not responded to that request.

13. Furthermore, AE Tech never informed Aevoe that AE Tech would be in the United States as an exhibitor at the CES tradeshow in Las Vegas, Nevada between January 10 and 13, 2012, and thereby subject to service of process.

2012 INTERNATIONAL CES

14. On Wednesday, January 10, 2012, the 2012 CES tradeshow opened in Las Vegas, Nevada. CES is known as the world's largest consumer technology tradeshow. CES closes on Friday, January 13, 2012.

15. Beginning on January 10, 2012, AE Tech exhibited its products, including products infringing the '942 Patent, as part of AE Tech's exhibition at CES. As part of its CES exhibition, AE Tech imported, exhibited, and offered for sale products infringing upon the '942 Patent.

16. **Exhibit C** is a copy of AE Tech's exhibitor information from the online CES exhibitor directory.

17. Aevoe learned that AE Tech was an exhibitor at CES on January 11, 2012, while attending CES that same day.

18. Aevoe now sues AE Tech in the U.S. District Court of Nevada because AE Tech is currently in this District and therefore subject to both personal jurisdiction and service of

process. Additionally, Aevoe concurrently seeks an order to seize AE Tech's infringing products before AE Tech can flee this District with its infringing products.

FIRST CAUSE OF ACTION

(AE TECH'S INFRINGEMENT OF THE '942 PATENT)

19. Aevoe incorporates all paragraphs above by reference.

20. AE Tech has directly infringed and continues to infringe the '942 Patent by making, using, importing, offering to sell, and selling (directly or through intermediaries) touch screen protection products embodying one or more claims of the '942 Patent, including without limitation the APlus Shield Anti-Glare product, in the United States and specifically at CES. 35 U.S.C. § 271.

21. Among other things, the APlus Shield Anti-Glare product has a front face that includes a touch screen portion and an outer perimeter; a plastic film having a transparent window and a spacer along the outer perimeter that spaces the plastic film near but not in contact with the touch screen; and an exposed adhesive for removably mounting the protector to form an enclosed air space between the transparent window of the plastic film, the spacer, and the device's touch screen. AE Tech's manufacture, use, sale, importation, and offers to sell the APlus Shield Anti-Glare product are acts of direct infringement.

22. Since at least November 7, 2011, when the Aevoe Letter gave AE Tech actual notice that its products infringed the '942 Patent, AE Tech's infringement has been willful.

23. Aevoe believes, and therefore alleges, that AE Tech's infringement of the '942 Patent will continue unless permanently enjoined.

24. Aevoe has suffered and will continue to suffer irreparable harm from AE Tech's infringement of the '942 Patent, including, *inter alia*, by injury to its business results, prospects, goodwill and market presence and through the erosion of Aevoe's statutory right to exclude others from practicing the claimed invention.

25. Aevoe has suffered and will continue to suffer monetary damages from AE Tech's infringement of the '942 Patent.

1 26. As a consequence of AE Tech's infringement, Aevoe is entitled to relief as set
2 forth below.

3 **SECOND CAUSE OF ACTION**

4 **(PRELIMINARY AND PERMANENT INJUNCTION)**

5 27. Aevoe incorporates all paragraphs above by reference.

6 28. Immediate and irreparable injury will result to Aevoe unless this Court enters a
7 Temporary Restraining Order and Injunction, pursuant to FRCP 65, enjoining AE Tech and its
8 agents, servants, employees, attorneys, subsidiaries and any other individual or entity in active
9 concert or participation with it who receives actual notice of the order, from infringing,
10 inducing others to infringe, or contributing to the infringement of the '942 Patent, including the
11 manufacture, use, sale, importation, and offer to sell the APlus Shield Anti-Glare product.

12 29. Aevoe has a likelihood of success on the merits given that there is no dispute that
13 AE Tech has directly infringed and continues to infringe the '942 Patent by making, using,
14 importing, offering to sell, and selling (directly or through intermediaries) touch screen
15 protection products embodying one or more claims of the '942 Patent, including without
16 limitation the APlus Shield Anti-Glare product, in the United States and specifically at CES.
17

18 30. In view of the fact that the damages Aevoe has sustained, and continues to
19 sustain, as a result of AE Tech's unlawful activities, Aevoe has no adequate remedy at law.
20

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Aevoe prays that the Court enter judgment as follows:

23 A. Holding that AE Tech has infringed claims of the '942 Patent, literally and/or
24 under the doctrine of equivalents;

25 B. Preliminarily and permanently enjoining AE Tech and its respective agents,
26 servants, officers, directors, employees and all persons acting in concert with them, directly or
27 indirectly, from infringing, inducing others to infringe, or contributing to the infringement of
28 the '942 Patent;

1 C. Ordering AE Tech to account for and pay to Aevoe the damages to which Aevoe
2 is entitled as a consequence of AE Tech's infringement of the '942 Patent, in an amount to be
3 determined at trial;

4 D. Ordering AE Tech to pay to Aevoe increased damages, pursuant to 35 U.S.C. §
5 284, for AE Tech's willful infringement of the '942 Patent;

6 E. Awarding Aevoe prejudgment interest and post-judgment interest on any
7 damages awarded by reason of AE Tech's infringement of the '942 Patent;

8 F. Finding that this case is "exceptional" under the meaning of 35 U.S.C. § 285;

9 G. Awarding Aevoe its costs incurred in bringing and maintaining this action,
10 including reasonable attorney fees;

11 H. Awarding such other and further relief as this Court may deem just, proper and
12 equitable.

13 **DEMAND FOR JURY TRIAL**

14 Aevoe demands trial by jury of all issues triable by a jury.

15 RESPECTFULLY SUBMITTED this 11th day of January, 2012.

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